

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE

ALEXIS Z. POPE, b/n/k and
administrator ad litem for the Estate of
Fawn Zanette Branham,

Plaintiff,

v.

No.: 1:21-CV-159-TAV-SKL

QUALITY CORRECTIONAL
HEALTH CARE, a/k/a
QCHC of Tennessee, Inc.,
CAROLE EDWARDS,
individually and officially,
NURSE SAM BROWN,
individually and officially,
OFFICER EMILY COOK,
individually and officially,
NURSE NAOMI BAKER-SCHMALTZ,
individually and officially,
NURSE AMY HUGHES,
individually and officially, and
JOHN DOE,
individually and officially,

Defendants.

ORDER

This civil matter is before the Court on the Report and Recommendation (“R&R”) entered by Chief United States Magistrate Judge Susan K. Lee on October 12, 2022 [Doc. 41]. In the R&R, the magistrate judge recommends that the Court grant plaintiff’s motion to set aside [Doc. 28]. The magistrate judge also recommends that the Court grant plaintiff’s motion to amend [Doc. 27] and order her to file an amended complaint. Upon the filing of plaintiff’s amended complaint, the

magistrate judge recommends that the Court deny as moot defendants' reinstated motions to dismiss [Docs. 13, 19]. Finally, the magistrate judge recommends ordering plaintiff to file a proper notice of withdrawal of Attorney John M. Wolfe, Jr. from this case. There have been no timely objections to the R&R, and enough time has passed since the filing of the R&R to treat any objections as waived. *See* 28 U.S.C. § 636(b)(1); Fed. R. Civ. P. 6(d), 72(b).

After careful review of the matter, the Court **ACCEPTS in part** the magistrate judge's R&R [Doc. 41] pursuant to 28 U.S.C. § 636(b)(1). The Court **ORDERS** the following:

1. Plaintiff's motion to set aside [Doc. 28] is **GRANTED**;
2. Plaintiff's motion to amend [Doc. 27] is **GRANTED**, and plaintiff is **ORDERED** to file an amended complaint within **seven (7) days** of the entry of this Order and is further **ORDERED** to properly serve process on the previously unserved defendants and the newly-named defendants;
3. By **November 15, 2022**, John M. Wolfe, Jr. **SHALL** file a motion to withdraw pursuant to E.D. Tenn. L.R. 83.4(g); **OR** file a Notice of Withdrawal and Substitution of counsel pursuant to E.D. Tenn. L.R. 83.4(f), provided new counsel has already entered an appearance.
4. Should John M. Wolfe, Jr. fail to comply with this Order, the Court will issue a Show Cause Order directing Mr. Wolfe to show cause why he should not be held in contempt. A hearing will then be set on the Show Cause Order, and Mr. Wolfe will be required to attend in person.

IT IS SO ORDERED.

s/ Thomas A. Varlan

UNITED STATES DISTRICT JUDGE